

REMARKS

In the Office Action¹, the Examiner rejected claims 6-13 under 35 U.S.C. § 112, first paragraph; and rejected claims 6-13 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,714,797 to Rautila ("*Rautila*").

Claims 6-13 remain pending.

The Examiner rejected claims 6-13 under 35 U.S.C. § 112, first paragraph, because the "claim(s) contain subject matter which was not described in the specification . . . 'wherein the identification code corresponds only to the electronic item' and 'enabling customer to view physical commodities . . . at the store terminal'" (emphasis in the original) (Office Action at page 4).

"There is no requirement that the words in the claim must match those used in the specification disclosure. Applicants are given a great deal of latitude in how they choose to define their invention so long as the terms and phrases used define the invention with a reasonable degree of clarity and precision." See *M.P.E.P.* § 2173.05(e), 8th Ed., Rev. 6 (Sept. 2007).

The specification discloses, "an ID code corresponding to each music content" (page 20, line 11). The specification also discloses, "identification codes (ID codes) for specifying pieces of music recorded . . . By way of example, code 'ABC-0010' is assigned to music content A corresponding to artist 'AAAA' and title 'TTTT', and code 'ABC-00111' is assigned to music content B corresponding to artist 'BBB' and title 'UUUU'" (page 16, lines 13-18). The specification discloses, for example, the

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

identification code “ABC-0010” corresponding only to the electronic item “music content A.”

The specification discloses a “goods distribution sytem [] sells commodities of goods providers . . . [it] uses store terminals . . . to provide various services in addition to the sale of commodities on display in stores” (page 11, lines 18-22). The “distribution center is directed to online shopping, the distribution center is instructed for each type of goods to perform delivery, packing, etc.” (page 13, lines 6-8). The specification further discloses “retrieval of physical goods can be performed” (page 48, lines 1-2). The specification also discloses, for example, “open[ing] menu screens of various car-related services” at a store terminal including “retrieval and sale of a new car and a used car” (page 21, lines 15-19). A car is a physical commodity.

Therefore, Applicant respectfully requests reconsideration and withdrawal of the rejections of claims 6-13 under 35 U.S.C. § 112, first paragraph.

Applicant respectfully traverses the rejection of claims 6-13 under 35 U.S.C. § 103(a) as being unpatentable over *Rautila*. A *prima facie* case of obviousness has not been established.

Claim 6 recites a method including, for example, “obtaining an identification code . . . for identifying the electronic content item, wherein the identification code corresponds only to the electronic content item.” *Rautila* fails to disclose at least obtaining as recited in claim 6.

Rautila discloses, “receiving through the mobile network a unique order number corresponding to the mobile device, the ordered digital product, and the identified hotspot network” (col. 9, lines 61-62). Even assuming that the “unique order number” of

Rautila could correspond to the claimed “identification code,” which the Applicant does not concede, “corresponding to the mobile device, the ordered digital product, and the identified hotspot network,” as taught in *Rautila*, cannot constitute “correspond[ing] only to the electronic content item” (emphasis added), as recited in claim 6.

Furthermore, claim 6 recites, “enabling the customer to view physical commodities that are available for purchase, in addition to the electronic content items, at the store information terminal.” *Rautila* does not disclose enabling as recited in claim 6.

Rautila discloses, “user [] may browse the content titles available . . . user may select . . . a particular digital product desired and place a purchase order” (col. 6, lines 2-6). *Rautila* also discloses, “user [] may make further searches and purchases of digital products while located at hotspot network [] location . . . digital product which would ultimately be sold to user [] and downloaded into mobile station” (col. 5, lines 47-53). “[D]igital product which would ultimately be . . . downloaded into mobile station,” as taught in *Rautila*, cannot constitute “physical commodities,” as recited in claim 6.

Accordingly, *Rautila* fails to render the subject matter recited in claim 6 obvious. Independent claim 10, though of different scope than claim 6, is allowable over *Rautila*, for at least the same reasons as claim 6. Claims 7-9 and 11-13 depend from claims 6 and 10, respectively, and are thus allowable over *Rautila*, for at least the same reasons as claims 6 and 10.


In view of the foregoing remarks, Applicant respectfully requests reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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